

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James G. Blakely, #255623,
a/k/a James Gatewood Blakely,
a/k/a Jimmy G. Blakely,

Plaintiff,

V.

Leroy Cartledge, Warden;
James Parker, Assoc. Warden;
J. McRee, Doctor;
Nurse Andrew, Headnurse;
Ms. Lee, Classification Dir. at McCormick,
and Mr. Rogers, Commissary Supervisor,

Defendants.

Civil Action No.: 5:13-3113-MGL

OPINION AND ORDER

Plaintiff James G. Blakely (“Plaintiff”), proceeding *pro se*, originally filed this civil action in the Court of Common Pleas of McCormick County, South Carolina. On November 15, 2013, Defendants removed to this Court, (ECF No. 1), and on November 20, 2013, Plaintiff filed a Motion to Remand. (ECF No. 8). The matter is now before the Court for review of the Report and Recommendation (“Report”) of Magistrate Judge Kaymani D. West to whom this case had previously been assigned.¹ In her Report, the Magistrate Judge recommends that Plaintiff’s motion be granted and that this matter be remanded to the Court of Common Pleas for McCormick County, South Carolina. (ECF No. 14). Objections to the Report were originally due December 23, 2013. That time frame was extended by this Court to January 10, 2014. (ECF No. 18). Defendants did not file any Objections to the Report.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.

¹This matter was referred to Magistrate Judge West pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(e), D.S.C.

See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error. Accordingly, the Court **ACCEPTS** and incorporates the Report, (ECF No. 14), by reference into this Order. It is therefore **ORDERED** that Plaintiff’s Motion to Remand, (ECF No. 8), is **GRANTED** and the matter is hereby remanded to the Court of Common Pleas, McCormick County, South Carolina, and the Clerk of this Court is directed to mail a certified copy of the Order of Remand to the Clerk of the Court of Common Pleas for McCormick County. This remand is *without prejudice* to Defendants’ rights to file responses to any of Plaintiff’s filings in the state court.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

January 17, 2014
Spartanburg, South Carolina